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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,289	12/11/2000	David Rand Irvin	P12546-US1	3712
24112	7590	07/26/2005	EXAMINER	
COATS & BENNETT, PLLC			STORM, DONALD L	
P O BOX 5			ART UNIT	
RALEIGH, NC 27602			PAPER NUMBER	
			2654	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/734,289

Applicant(s)

IRVIN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: 13-19, 21-23, 30-36 and 38-40.
Claim(s) rejected: 1-12, 20, 24-29, 37 and 41-46.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER

 7/19/05

Continuation of 11. does NOT place the application in condition for allowance because:

2. With respect to rejection of claims under 35 USC § 103, citing Rahrer, Lennig, Emery '057, and others in combination, the Applicant's arguments appear to be as follows:

a. The Applicant's argument appears to be that the confidence measures that Lennig modifies are determined and modified before speech recognition, that is, it is done without regard to how closely stored voice patterns match voice input. The Applicant refers to determination and modification using the localities in Fig. 3A, step 305. This argument is not persuasive because Lennig's modification of the speech recognition confidence occurs after speech input and during recognition, as in Fig. 3A, item 306. See also column 6, lines 39-40. See the formula that modifies the acoustic confidence using the locality data as indicated in the prior Office action, at column 8, lines 15-20. Therefore, the locality in Lennig does bear on the acoustic score. Rather than limiting the reference set to be compared, Lennig's a priori confidence weights the member of the reference set based on the locality, and applies those weights during speech recognition.

b. The Applicant's argument appears to be that Emery '057's Location ID is not the location of the (mobile) calling device and that it is not used to modify a speech recognition confidence value; therefore, no one of Rahrer, Lennig, and Emery '057 provides modifying speech recognition confidence values based upon where the device is. This argument is not persuasive because Lennig provides that limitation. (See above and citation in previous Office action).

c. The Applicant's argument appears to be that a device of the combination of Rahrer and Lennig (and Emery '057) would not use the geographical position of the device to alter speech recognition confidence values. This argument is not persuasive because Lennig provides that limitation. (See above and citation in previous Office action). As indicated in the previous Office action, both Rahrer and Lennig alter speech recognition confidence measures, so in the combination Lennig's concept of improving the likelihoods of the recognition results based on the originating call location would alter the value of Rahrer's recognized result.

The Applicant's arguments have been fully considered, but they are not persuasive. Accordingly, the rejections are maintained.